



ROBINSON  
GRAY

Litigation + Business

FRANK R. ELLERBE, III

DIRECT 803 227.1112 DIRECT FAX 803 744.1556

fellerbe@robinsongray.com

October 18, 2019

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
Public Service Commission of South Carolina  
101 Executive Center Drive, Suite 100  
Columbia, South Carolina 29210

RE: South Carolina Energy Freedom Act (H.3659) Proceeding to Establish Duke Energy Carolinas, LLC's Standard Offer, Avoided Cost Methodologies, Form Contract Power Purchase Agreements, Commitment to Sell Forms, and Any Other Terms or Conditions Necessary (Includes Small Power Producers as Defined in 16 United States Code 796, as Amended) – S.C. Code Ann. Section 58-41-20(A)

Docket No. 2019-185-E (Duke Energy Carolinas, LLC)

Docket No. 2019-186-E (Duke Energy Progress, LLC)

Dear Ms. Boyd:

By this letter, Duke Energy Carolinas, LLC and Duke Energy Progress, LLC ("Duke"), hereby respond to the South Carolina Solar Business Alliance's ("SBA") Motion in Limine to Exclude Wintermantel DEC/DEP Rebuttal Exhibit 1 ("Motion"), filed in the above-captioned dockets on October 17, 2019.

Arguments presented in the pre-filed direct testimony of South Carolina Coastal Conservation League and Southern Alliance for Clean Energy witness Brendan Kirby as well as SBA Witness Ed Burgess claimed that the Companies' Astrapé Ancillary Service Study at issue in this proceeding had not undergone independent peer review. The Companies pre-filed Wintermantel DEC/DEP Rebuttal Exhibit 1 in support of Mr. Wintermantel's rebuttal testimony to demonstrate that the Astrapé Ancillary Service Study had, in fact, been independently reviewed by the North Carolina Public Staff prior to being filed with the Commission. The inclusion of the Exhibit at issue was not hearsay, as it was offered not as testimony, but rather serves as proof of the fact that the Study had in fact been reviewed, contrary to these Witnesses' assertion. Duke filed the testimony for the Commission's convenience. Duke also previously conveyed this position to counsel for SBA.



ROBINSON  
GRAY

Litigation + Business

October 18, 2019  
Page: 2

Notwithstanding the above, and to promote efficiency during the upcoming evidentiary hearing, and without waiving any arguments at hearing, Duke hereby notifies the Commission that when Duke presents Mr. Wintermantel's rebuttal testimony for entry into the record, the Company will not request that Wintermantel DEC/DEP Rebuttal Exhibit 1 be entered along with his testimony.

Counsel for Duke believes that this response fully resolves the Motion.

Yours truly,

Frank R. Ellerbe, III

FRE:tch

cc: Randall Dong, Hearing Officer (via email)  
David Stark, Esquire (via email)  
Parties of Record (via email)  
Heather Shirley Smith, Deputy General Counsel (via email)  
Rebecca J. Dulin, Associate General Counsel (via email)  
John Dalton, Power Advisory, LLC (via email)  
Natanel Lev, Power Advisory, LLC (via email)  
Carson Robers, Power Advisory, LLC (via email)